

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEREMY SCHOUWEILER, a seaman,

Plaintiff,

v.

WESTERN TOWBOAT COMPANY, a  
Washington corporation; and the T/V  
WESTERN MARINER, a vessel, Official  
No. 656807, along with all engines, gear, *in*  
*rem*,

Defendants.

C05-502Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's Motion for Summary Judgment re Plaintiff's Unseaworthiness Claim, docket no. 28, is GRANTED IN PART and DENIED IN PART as follows:

The Motion is granted as to Plaintiff's claim that Defendant can be liable for the unseaworthiness of the barge BARANOF PROVIDER. Defendant was not the owner or charterer of the barge and cannot be liable for the unseaworthiness of the barge. See Coakley v. Seariver Maritime, Inc., 319 F.Supp.2d 712 (E.D. La. 2004). The Motion is denied as to that portion of the unseaworthiness claim relating to the tugboat WESTERN MARINER. There are material issues of fact that preclude summary judgment as to whether the tugboat was improperly manned or undermanned.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

1 Filed and entered this 18th day of October, 2007.

2 BRUCE RIFKIN, Clerk

3 s/ Claudia Hawney

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5 Claudia Hawney  
6 Deputy Clerk  
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